

(V) THE DEFENDANT WAS OF A YOUTHFUL AGE AT THE TIME OF THE MURDER;

(VI) THE ACT OF THE DEFENDANT WAS NOT THE SOLE PROXIMATE CAUSE OF THE VICTIM'S DEATH;

(VII) IT IS UNLIKELY THAT THE DEFENDANT WILL ENGAGE IN FURTHER CRIMINAL ACTIVITY THAT WOULD BE A CONTINUING THREAT TO SOCIETY; OR

(VIII) ANY OTHER FACT THAT THE COURT OR JURY SPECIFICALLY SETS FORTH IN WRITING AS A MITIGATING CIRCUMSTANCE IN THE CASE.

(I) FINDINGS; DOCUMENTATION OF DECISION.

(1) IF THE COURT OR JURY FINDS THAT ONE OR MORE OF THE MITIGATING CIRCUMSTANCES UNDER SUBSECTION (H) OF THIS SECTION EXISTS, IT SHALL DETERMINE BY A PREPONDERANCE OF THE EVIDENCE WHETHER THE AGGRAVATING CIRCUMSTANCES UNDER SUBSECTION (G) OF THIS SECTION OUTWEIGH THE MITIGATING CIRCUMSTANCES.

(2) IF THE COURT OR JURY FINDS THAT THE AGGRAVATING CIRCUMSTANCES:

(I) OUTWEIGH THE MITIGATING CIRCUMSTANCES, A DEATH SENTENCE SHALL BE IMPOSED; OR

(II) DO NOT OUTWEIGH THE MITIGATING CIRCUMSTANCES, A DEATH SENTENCE MAY NOT BE IMPOSED.

(3) IF THE DETERMINATION IS BY A JURY, A DECISION TO IMPOSE A DEATH SENTENCE MUST BE UNANIMOUS AND SHALL BE SIGNED BY THE JURY FOREPERSON.

(4) A COURT OR JURY SHALL PUT ITS DETERMINATION IN WRITING AND SHALL STATE SPECIFICALLY:

(I) EACH AGGRAVATING CIRCUMSTANCE FOUND;

(II) EACH MITIGATING CIRCUMSTANCE FOUND;

(III) WHETHER ANY AGGRAVATING CIRCUMSTANCES FOUND UNDER SUBSECTION (G) OF THIS SECTION OUTWEIGH THE MITIGATING CIRCUMSTANCES FOUND UNDER SUBSECTION (H) OF THIS SECTION;

(IV) WHETHER THE AGGRAVATING CIRCUMSTANCES FOUND UNDER SUBSECTION (G) OF THIS SECTION DO NOT OUTWEIGH THE MITIGATING CIRCUMSTANCES FOUND UNDER SUBSECTION (H) OF THIS SECTION; AND

(V) THE SENTENCE DETERMINED UNDER SUBSECTION (G)(2) OF THIS SECTION OR PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(J) SENTENCING.